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State of Utah

DEPARTMENT OF NATURAL RESOURCES

MICHAEL R. STYLER
Executive Director

Division of Oil, Gas and Mining

JOHN R. BAZA
Division Director

June 21, 2016

CERTIFIED RETURN RECEIPT
7013 2250 0000 2310 2415

Shain Stoddard
32212 South State St
Salt Lake City, UT 84115

Subject: Proposed Assessment for State Cessation Order No. MC-2016-42-01, Shain Stoddard, Co-op Placer Project Mine, S/015/0052, Emery County, Utah

Response Due By: 30 Days of Receipt

Dear Mr. Stoddard:

The undersigned has been appointed by the Division of Oil, Gas & Mining as the assessment officer for assessing penalties under R647-7.

Enclosed is the proposed civil penalty assessment for the above referenced cessation order (CO). The CO was issued by Division inspector, Wayne Western, on February 10, 2016. Rule R647-7-103 et. seq. has been utilized to determine the proposed penalty of \$242.00. The enclosed worksheet outlines how the civil penalty was assessed.

By these rules, any written information which was submitted by you or your agent within fifteen (15) days of receipt of this NOV has been considered in determining the facts surrounding the violation and the amount of this penalty.

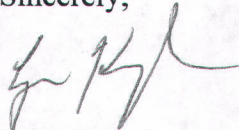
Under R647-7-106, there are two informal appeal options available to you. You may appeal the 'fact of the violation', the proposed civil penalty, or both. If you wish to informally appeal you should file a written request for an informal conference within thirty 30 days of receipt of this letter.

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Shain Stoddard
S/015/0052
June 21, 2016

The informal conference will be conducted by a Division-appointed conference officer. The informal conference for the fact of the violation is distinct from the informal assessment conference regarding the proposed penalty. If you wish to review both the fact of the violation and proposed penalty assessment, you should file a written request for an assessment conference within thirty (30) days of receipt of this letter. In this case, the assessment conference will be scheduled immediately following the review of the fact of the violation.

If a timely request for review is not made, the fact of the violation will stand, the proposed penalty will become final, and will be due and payable within thirty (30) days of the date of this proposed assessment (by July 25, 2016). Please remit payment to the Division, mail c/o Sheri Sasaki.

Sincerely,



Lynn Kunzler
Assessment Officer

LK: eb

Enclosure: Proposed assessment worksheet

cc: Sheri Sasaki, Accounting
Vickie Southwick, Exec. Sec.

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WORKSHEET FOR ASSESSMENT OF PENALTIES
DIVISION OF OIL, GAS & MINING
Minerals Regulatory Program

NOV / CO #: MC-2016-42-01 PERMIT: S/015/0052
COMPANY / MINE Shain Stoddard / Co-op Placer Project
ASSESSMENT DATE June 21, 2016
ASSESSMENT OFFICER Lynn Kunzler

I. HISTORY (Max. 25 pts.) (R647-7-103.2.11)

- A. Are there previous violations, which are not pending or vacated, which fall three (3) years of today's date?

PREVIOUS VIOLATIONS	EFFECTIVE DATE	POINTS (1pt for NOV 5pts for CO)
<u>None</u>	<u></u>	<u></u>

TOTAL HISTORY POINTS 0

II. SERIOUSNESS (Max 45pts) (R647-7-103.2.12)

NOTE: For assignment of points in Parts II and III, the following apply:

1. Based on facts supplied by the inspector, the Assessment Officer will determine within each category where the violation falls.
2. Beginning at the mid-point of the category, the Assessment Officer will adjust the points up or down, utilizing the inspector=s and operator=s statements as guiding documents.

Is this an EVENT (A) or Administrative (B) violation? Event (A)
(assign points according to A or B)

A. EVENT VIOLATIONS (Max 45 pts.)

1. What is the event which the violated standard was designed to prevent?
Environmental harm and water pollution
2. What is the probability of the occurrence of the event which a violated standard was designed to prevent?

<u>PROBABILITY</u>	<u>POINT RANGE</u>
None	0
Unlikely	1-9
Likely	10-19
Occurred	20

ASSIGN PROBABILITY OF OCCURRENCE POINTS 2

PROVIDE AN EXPLANATION OF POINTS:

In order for the event to occur, the operator would need to be unable or unwilling to reclaim the site, and the Division would need to have the surety forfeited, and not have sufficient funds to fully reclaim the site. The inspector believes this is unlikely to occur. Points therefore assigned at the lower end of the 'unlikely' range.

3. What is the extent of actual or potential damage:

No Actual damage at this time, Potential damage would occur if the site could not be fully reclaimed.

ASSIGN DAMAGE POINTS (RANGE 0-25) 2

In assigning points, consider the duration and extent of said damage or impact, in terms of area and impact on the public or environment.

PROVIDE AN EXPLANATION OF POINTS:

See also comments under #3 above – this is a small (2 acre) site. Even if damage occurred it would be considered minimal. Points therefore assigned near the lower end of the range.

B. ADMINISTRATIVE VIOLATIONS (Max 25pts)

1. Is this a POTENTIAL or ACTUAL hindrance to enforcement? _____
Assign points based on the extent to which enforcement is actually or potentially hindered by the violation.

ASSIGN HINDRANCE POINTS NA

PROVIDE AN EXPLANATION OF POINTS: _____

TOTAL SERIOUSNESS POINTS (A or B) 4

III. DEGREE OF FAULT (Max 30 pts.) (R647-7-103.2.13)

A. IF SO--NO NEGLIGENCE; or, , IF SO--GREATER DEGREE OF FAULT THAN NEGLIGENCE.	Point Range
No Negligence (Was this an inadvertent violation which was unavoidable by the exercise of reasonable care?)	0
Negligence (was this a failure of a permittee to prevent the occurrence of a violation due to indifference lack of diligence, or lack of reasonable care?)	1-15
Greater Degree of Fault (was this a failure to abate any violation or was economic gain realized by the permittee?)	16-30

STATE DEGREE OF NEGLIGENCE Negligent

ASSIGN NEGLIGENCE POINTS 8

PROVIDE AN EXPLANATION OF POINTS:

Operator should have been fully aware of the need to maintain adequate surety for his site. This demonstrates ordinary negligence. Points therefore assigned at the midpoint of the 'negligence' range.

IV. GOOD FAITH (Max 20 pts.) (R467-7-103.2.14)

(Either A or B) (Does not apply to violations requiring no abatement measures, or violations not abated at the time of assessment)

Has Violation Been Abated? yes

- A. **EASY ABATEMENT** (The operator had onsite, the resources necessary to achieve compliance of the violated standard within the permit area.)

Immediate Compliance	<u>Point Range</u> -11 to -20
(Immediately following the issuance of the NOV)	
Rapid Compliance	-1 to -10
(Permittee used diligence to abate the violation. Violation abated in less time than allotted.)	
Normal Compliance	0
(Operator complied within the abatement period required, or, Operator requested an extension to abatement time)	

- B. **DIFFICULT ABATEMENT** (The operator did not have the resources at hand to achieve compliance, or the submission of plans was required prior to physical activity to achieve compliance.)

Rapid Compliance	<u>Point Range</u> -11 to -20
(Permittee used diligence to abate the violation. Violation abated in less time than allotted.)	
Normal Compliance	-1 to -10
(Operator complied within the abatement period)	
Extended Compliance	0
(Operator complied within the abatement period required, or, Operator requested an extension to abatement time) (Permittee took minimal actions for abatement to stay within the limits of the violation, or the plan submitted for abatement was incomplete.)	

EASY OR DIFFICULT ABATEMENT? Easy abatement

ASSIGN GOOD FAITH POINTS 1

PROVIDE AN EXPLANATION OF POINTS: Violation was abated just one day prior to the abatement date. Operator had 6 weeks to abate the violation Points awarded at the low end of the 'rapid compliance' range.

V. ASSESSMENT SUMMARY (R647-7-103.3)

I.	TOTAL HISTORY POINTS	<u>0</u>
II.	TOTAL SERIOUSNESS POINTS	<u>4</u>
III.	TOTAL NEGLIGENCE POINTS	<u>8</u>
IV.	TOTAL GOOD FAITH POINTS	<u>-1</u>
	TOTAL ASSESSED POINTS	<u>11</u>
	TOTAL ASSESSED FINE	<u>\$242.00</u>